

REMARKS

Amendments

Amendments to the Claims

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. In particular, Applicant claims that the on-site media service data includes a command from an off-site broadcaster that instructs an on-site media system to record the content data without intervention of a user. No new matter has been added as a result of these amendments because support for the amendments can be found, *intra alia*, on page 11, lines 13-17.

Rejections

Rejections under 35 U.S.C. § 103

Claims 16, 18-20, 23, 25-26, 28-29, and 41-42

Claims 16, 18-20, 23, 25-26, 28-29, and 41-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks, et al., U.S. Patent 5,798,785 (previously cited) in view of Goldschmidt Iki et al., U.S. Patent No. 6,226,444, Barton, et al., U.S. Patent 6,233,389 (previously cited) and Grossman et al., U.S. Patent No. 5,798,785 (previously cited).

Hendricks discloses a system that delivers television programs to a reprogrammable set top terminal. The terminal presents menus to the viewer suggesting programs to view based on the user's indicated preferences.

Goldschmidt Iki discloses a system controller that records a broadcast program without commercials. The system controller detects the beginning and ending of a commercial in the broadcast program based on data that indicates the start/stop of a commercial in the broadcast program. For example, Goldschmidt Iki discloses a vertical blanking interval (VBI) analyzer that finds data in the VBI of the broadcast program to indicate a commercial starting and ending.

Barton discloses simultaneously storing and watching different broadcast television programs.

Grossman discloses displaying an image, such as an advertisement, during the time in between channel changes.

Claim 16, as amended, recites on-site media service data that includes a command from an off-site broadcaster that instructs an on-site media system to record the content data without user intervention. The Examiner admits that Hendricks does not disclose that an off-site broadcaster instructs an on-site media system to record the content data without user intervention. Thus, Hendricks cannot teach or suggest a command from an off-site broadcaster that instructs an on-site media system to record the content data without user intervention as claimed.

Instead of Hendricks, the Examiner relies on Goldschmidt Iki as disclosing data from an off-site broadcaster that instructs an on-site media system to record the content data. This section of Goldschmidt Iki relied upon by the Examiner discloses data in the VBI that indicates the presence of a commercial. However, because Goldschmidt Iki's data merely indicates a commercial and is not a command to instruct the system controller to perform an action, Goldschmidt Iki's data cannot properly be interpreted as a command instructing the system controller to record the commercial. Furthermore, there is no other section in Goldschmidt Iki that teaches or suggests a command from an off-site broadcaster that instructs an on-site media system to record the content data without user intervention as claimed. Therefore, Goldschmidt Iki cannot teach or suggest the claimed element.

Because Barton is directed to storing and displaying television programs and does not disclose instructions being sent down to the set top box that instruct the set top box to record these programs, Barton cannot be properly interpreted as teaching or suggesting the claimed element.

Grossman is directed to displaying advertisements during channel and, thus, cannot teach or suggest instructing an on-site media system to record content data as claimed.

Therefore, the combination of Hendricks, Goldschmidt Iki, Barton, and Grossman cannot render obvious Applicant's claim 16 and claims 18-20, 23, 25-26, 28-29, and 41-42 that depend from it. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

Claims 21-22, 24, and 27

Claims 21-22, 24, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks, Goldschmidt Iki, Barton, Grossman, and Alexander et al. U.S. Patent No. 6,177,931 (previously cited).

Alexander discloses an electronic programming guide that provides that ability for the user to select future scheduled television programs to record.

Claims 21-22, 24, and 27 depend on independent claim 16. Claim 16, as amended, recites on-site media service data that includes a command from an off-site broadcaster that instructs an on-site media system to record the content data without user intervention. Because Alexander discloses the user controlling which programs to record and not an off-site broadcaster, Alexander cannot teach or suggest the claimed element. Neither do Hendricks, Goldschmidt Iki, Barton, or Grossman.

Therefore, the combination of Hendricks, Goldschmidt Iki, Barton, Grossman, and Alexander cannot render obvious Applicant's claim 16 and claims 21-22, 24, and 27 that depend from it. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

SUMMARY

Claims 16, 18-29, and 41-42 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.

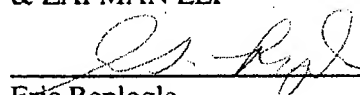
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: May 18, 2009


Eric Replogle
Attorney for Applicant
Registration No. 52,161

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300 x7514